

COURT OF APPEALS OF MARYLAND

PUBLIC NOTICE

For the past several years, the Maryland Judiciary has been developing plans for a comprehensive electronic case management system for the District Court, the Circuit Courts, and the two appellate courts. That system (MDEC) will involve court records being filed, maintained, and accessible in electronic, rather than paper, form. The Court's Standing Committee on Rules of Practice and Procedure is now in the preliminary stages of developing Rules to accommodate MDEC. It is anticipated that the system will be installed sequentially by county or groups of counties, commencing in Anne Arundel County on or about August 31, 2013.

Five core issues of basic judicial policy and certain possible options regarding those issues have been identified, upon which the Court invites public comment. Comments may present other issues and suggest other options. **All comments should be in writing and sent to Sandra F. Haines, Esq., Reporter to the Standing Committee on Rules of Practice and Procedure, 2011-D, Commerce Park Drive, Annapolis, Maryland, 21401 on or before September 21, 2012.**

The Court will hold a public meeting on October 18, 2012 at 2:00 p.m., to consider the timely written comments. Oral presentations will not be permitted except by invitation of the Court. Decisions reached by the Court will guide the Rules Committee in the further development of Rules necessary to implement MDEC.

The issues and some possible options identified by the Rules Committee are:

- (1) To what extent should the electronic filing of documents be mandatory?**

- (a) With minor and well-defined exceptions, mandatory for all filers;
- (b) Optional for all filers;
- (c) Mandatory for attorneys and judicial personnel, optional for self-represented litigants;
- (d) Optional for judges;
- (e) To the extent practicable, mandatory for government agencies required by law or court order to file reports, records, or other documents in cases to which they are not parties;
- (f) Electronic filing supplemented by reduced number of paper copies in appellate courts.

(2) What should be the requirements for a filer's signature on electronically filed documents?

- (a) Typographical signature, such as “/s/” suffices for all filers and documents;
- (b) Scanned or digital signature should appear on all documents;
- (c) Scanned or digital signature should appear on documents required to be filed under oath or affirmation;
- (d) Scanned or digital signature of the judge or judicial appointee should appear on orders and judgments.

(3) Will the electronic version of electronically filed documents be the official record of such documents?

- (a) Electronic version is the official record;
- (b) Electronic version is not the official record;
- (c) Written transcripts should continue to be required of electronically recorded proceedings in open court.

(4) What access should be allowed to the electronic record?

- (a) Subject to a protective order, parties and attorneys of record should have full access, including remote access, to all case records in cases to which they are parties or attorneys of record;
- (b) Judges, judicial appointees, and judicial personnel should have full access, including remote access, to all case records when such access is necessary to the performance of their official duties;
- (c) The public should have free access to all unshielded case records, but only from public access terminals in the clerk's office or at other specified locations;
- (d) The public should continue to have free remote access presently provided to the unshielded names of litigants and docket entries;
- (e) The public should have remote access to all unshielded case records by subscription, for which a fee would be charged.

(5) What kinds of fees, if any, should be charged for (i) the electronic filing of documents; (ii) the filing of paper documents; (iii) remote access to electronic records; or (iv) general operation and maintenance of the MDEC system?

/s/ Bessie M. Decker

Bessie M. Decker, Clerk